

**Wichita Police Department Policy Manual**

Approved by: _____

Policy 512 – Domestic Violence

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Maintained by:
Investigations Division

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- 512.01 According to K.S.A. 21-3110 "Domestic Violence" means any act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member.
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- 512.02 In all cases of DV, a police officer will be the complaining witness. These "police-laid" charges are what distinguish DV cases from other violence cases.
- 512.03 DV cases include the following (Items A-F are applicable when both the offender and the victim are eighteen (18) years of age or older. Item G is applicable when the offender is eighteen (18) years of age or older):
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- A. Spouses, whether residing together or not;
 - B. Former spouses, whether residing together or not;
 - C. Person's who have had a child in common regardless of whether they have been married or who have lived together at any time;
 - D. A man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have lived together at any time;
 - E. Parents or stepparents and children or stepchildren when both the offender and victim are eighteen (18) years of age or older;
 - F. Persons who are presently residing together or who have resided together in the past;
 - G. Persons who are, or have in the past, been involved in an ongoing dating relationship.
(A "dating relationship" is defined as a social relationship of a romantic nature.)
- 512.04 Officers shall make an arrest or issue a pickup on the suspect if the investigating officer has probable cause to believe that:
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- A. A felony is being or has been committed; or
 - B. A misdemeanor is being or has been committed, and;
 - 1. The suspect intentionally or recklessly inflicted bodily harm to another resulting in visible injury and/or observed by an independent witness; or
 - 2. The suspect intentionally caused damage to property in which the victim of the DV had an interest; or
 - 3. The suspect may cause injury to self or others, or damage to property, unless immediately arrested.
- Such an arrest/pickup shall be made regardless of the victim's desire regarding prosecution; whether the crime is a felony or misdemeanor; and/or the victim's inability or unwillingness to articulate the circumstances surrounding the incident.
- 512.05 To defuse a DV situation, the arresting officer shall transport the offender as expeditiously as possible, completing an Arrest Report at the Adult Detention Facility. The arresting officer shall Mirandize and question the arrested party about the incident, or articulate in the narrative why he/she is unable to do so. The investigating officer shall remain with the victim and obtain the necessary information for the follow-up detectives.
- 512.06 When an offender has left the scene prior to officers' arrival, but officers have probable cause to arrest him/her, the reporting officer shall issue a pickup on the suspect, with approval of a commissioned supervisor.
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- A. Pickups on felony suspects shall be made in the normal manner. When issuing a felony pickup, or making a felony arrest, the victim must give a recorded statement for prosecution. After officers have completed the recorded interview, the digital recording shall be downloaded into the DVI file in Laserfiche. If the investigating officer is unable to tape the victim's statement, the victim should be advised to contact the DV Unit as soon as possible. Also, alternative contact information for the victim (other than home address and phone number) should be obtained. When located, book the suspect hold for state warrant.

- B. Pickups issued on misdemeanor suspects require the reporting officer to:
1. Complete a detailed Incident Report; and
 2. Complete a Uniform Criminal Complaint, which must be signed by the reporting officer.
- C. Information regarding pickups on DV suspects shall be broadcast on the air to all officers and relayed immediately to the Interwatch.
- 512.07 R The arresting officer or the officer issuing a pick-up charging an offender with Domestic Battery shall check central records and initiate a local and NCIC name search (Triple I) to determine if the offender has been convicted twice of domestic battery within the immediate preceding five years. If the offender has two (2) prior convictions of domestic battery within a 5-year period, the offender shall be booked HFSW. Triple I's shall be initiated before the incident is cut and the victim released. The officer shall indicate in the narrative portion (back of Incident Report) that a Triple I check was completed documenting any prior DV Battery arrests. A copy of the Triple I shall be forwarded to the DV Unit for review.
- 512.08 R When a misdemeanor arrest is made, the reporting officer shall complete and serve the victim with a DV subpoena [WPD Form 321-128]. The date on the subpoena is the next time DV Court meets, unless the arrestee is booked less than eight (8) hours before the court's next session. The date on the subpoena in this case is the session, which immediately follows the Court's next meeting. In all domestic violence cases, the investigating officer shall give the victim WPD Form 321-128 containing the case number and a list of other agencies and telephone numbers that may be helpful to the victim.
- ROUTING OF DV CASES:
- 512.09 R All domestic violence calls shall be documented.
- A. Whether or not a case must immediately be cut will be determined by Sections 711.09 and 711.10.
- B. In all cases of arrest or pickup-issued, the hand-written narrative shall contain the facts of the case, particularly a description of the DV relationship, the suspect's specific actions, the officer's probable cause, unusual circumstances, and all witnesses. The report shall include dates and locations of any previous domestic battery convictions occurring within the preceding five years. A more complete narrative may be phoned in, depending upon the complexity of the case. When officers do not arrest or issue a pickup, the written narrative shall include an explanation.
- 512.10 All DV cases including the sub-classifications of DV (except homicides) shall be routed to the DV Unit.
- 512.11 The follow-up detective assigned to the case shall expedite application for a warrant. He/she shall ensure that pickups issued on suspects who are in custody have been canceled, or shall cancel or alter pickups issued on suspects who are not in custody, as required.
- 512.12 If requested, officers shall transport the victim and his/her dependents to a safe haven.
- 512.13 Persons bonding out on DV charges will have a "No Contact Order" which prohibits the defendant from having contact with a person(s) and/or place the Judge designates. This is a mandatory condition of the defendant's bond release. There is no documentation that the victim will have access to. Officers making DV calls shall check the persons involved through SPIDER to determine if either is subject to a "No Contact Order". If so, he/she shall be booked for violation of City Ordinance 1.04.125; the case is classified as "Misc. Offense-Criminal Contempt/Domestic Violence" [2633] and is connected to the original case.
- 512.14 R In many cases involving two participants, both will accuse the other of DV. Officers should establish whether one of the parties can be labeled the, "Predominate physical aggressor" who caused the other to, act in defense of a person or property, or whether both participants instigated DV and thus should be arrested. The accusations of each party should be evaluated independently, probable cause determined, and appropriate action taken. If officers are unable to establish the "predominate physical aggressor," officers are not required to arrest both parties when both claim to be the victim.
- 512.15 Officers shall enforce valid court orders for the protection of DV victims per Policy 509-Civil Matters/Court Orders/Process Servers.
- 512.16 Officers shall enforce valid court orders and make an arrest if probable cause exists. Officers shall not order anyone to vacate the premises, unless a valid court order directs the officers to do so. If a person violates a protection from abuse (PFA) order or a protection from stalking order (PFS), issued pursuant to K.S.A. 60-3105, 60-3106, or 60-3107 which prohibits the person from having contact with a victim, then officers should charge the person as follows:
- A. When the violation of a PFA order involves the suspect entering or remaining upon any property as specified by address in the PFA order (usually the victim's home), the suspect should be charged with both (1) a violation of City Ordinance 5.66.050(c), Criminal Trespass and (2) a violation of City Ordinance 5.69.010(a)(1), Protective Orders.

- B. When the violation of a PFA order involves any other contact which does not entail going upon specific property as set forth in (A) above (i.e. threatening or harassing phone call or calls, leaving notes, contacting the victim at the victim's place of employment, or any other place not specifically prohibited by address in the PFA order), the suspect should be charged with a violation of City Ordinance 5.69.010(a)(1), Protective Orders.
- C. When the violation involves a protection from stalking order and probable cause exists: the offender should be booked for violation of a protective order HFSW (KSA 21-3843). If the offender has left the scene and probable cause for the violation exists, then a pickup shall be issued as stated in policy 522.02